



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plaza, Room 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212) 264-0300
Fax: (212) 264-2450

April 30, 2015



Re: United Service Workers Union
(Countywide Ambulette)
Case 02-CB-144806

Dear [REDACTED]

We have carefully investigated and considered your charge that United Service Workers Union has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

Your charge alleges that since about January 7, 2015, the Union violated its duty of fair representation owed to you by failing and refusing to process your grievance regarding your termination from employment for arbitrary, discriminatory or otherwise unlawful reasons. The investigation revealed that in November 2013 Countywide Ambulette terminated your employment. Around that same time, you spoke to a representative from United Service Workers Union (Union) and you were informed of your right to file a grievance regarding your termination. At that time, you did not request that the Union file a grievance over your termination. In January 2015 you contacted the Union and for the first time requested to file a grievance over your termination, which the Union declined to process.

Under Section 10(b) of the National Labor Relations Act, the Regional Director may not issue a complaint based upon any unfair labor practices occurring more than six months prior to the filing of the charge with the Board. You filed the instant charge in January 2015, over a year after your termination and the Union's offer to file a grievance on your behalf. Therefore, your charge was untimely filed. Further, though the Union declined to process a grievance on your behalf in January 2015, the request was made over a year after your termination. Under those circumstances, it was not unreasonable for the Union to decline to process a grievance over a discharge that had occurred more than a year earlier and over a matter that it had considered resolved. As the evidence fails to establish that the Union violated the Act as alleged or in any other manner encompassed by your charge, I am dismissing the charge.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street NW, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

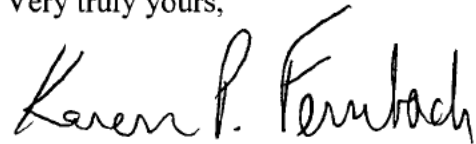
Appeal Due Date: The appeal is due on **May 14, 2015**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **May 13, 2015**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before May 14, 2015**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **May 14, 2015, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required

by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

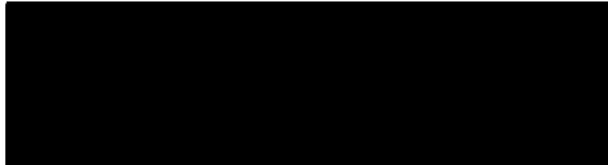
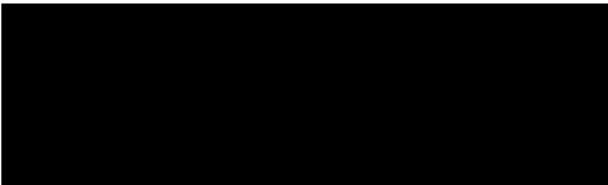
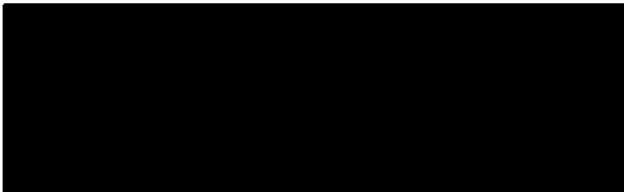
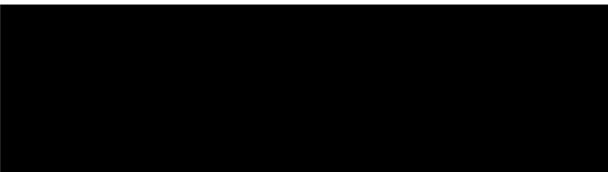
Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

KAREN P. FERNBACH
Regional Director

Enclosure

cc:

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